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In re Application of  
DREW, Daniel Maxwell  
Application No.: 10/525,420  
PCT No.: PCT/AU03/01090  
Int. Filing Date: 27 August 2003  
Priority Date: 27 August 2002  
Attorney Docket No.: 034381-001  
For: PROCESSES FOR TREATMENT OF  
WASTEWATER, SEPARATION,  
DEODORIZATION AND RE-USE OF  
BIOSOLIDS

DECISION ON  
PETITION  
UNDER 37 CFR 1.47(a)

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office on 07 December 2007.

**BACKGROUND**

On 15 August 2007, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 19 November 2007, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely reply to the 15 August 2007 decision.

On 07 December 2007, applicant filed this renewed petition under 37 CFR 1.47(a), accompanied by the fee for a two month extension of time.

**DISCUSSION**

The 15 August 2007 decision set a two month extendable period for reply. The 19 November 2007 Notification of Abandonment was mailed in error and is hereby vacated.

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the non-signing applicant.

Items (1) and (4) were previously satisfied. The \$200 petition fee has been paid. The declaration is in compliance with 37 CFR 1.497(a)-(b) and 1.47. Applicants have now furnished a declaration signed by Mr. Josey. As such, the petition is moot as to him.

Item (3) has been satisfied. Applicants state the last known address of Mr. Drew is 7 Francis Street; Warrandyte, Victoria 3113; Australia.

Item (2) has not been satisfied. Applicants are claiming that inventor Drew has refused to sign an oath or declaration. The declaration of Angus Craig states that he furnished a complete copy of the application papers to Mr. Drew, that Mr. Drew acknowledged receipt of them, but that a signed declaration has not been received. However, while Mr. Craig says that supporting documentation is attached, it was not part of the submission. The 21 September 2007 letter and attachments were not included and the tracking receipt or mail receipt was not included. Only the previous letters that do not indicate that a complete copy of the application papers were furnished, have been submitted.

### CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 19 November 2007 is **VACATED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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